

I. Introduction

The United Services Automobile Association (USAA)(1) submits the following comment in response to the Federal Communications Commission's request for comments regarding Paul D. S. Edwards' (the Petitioner) Petition for a Declaratory Ruling and Expedited Request for Clarification.(2) The Petition requests the Commission to clarify whether under the Telephone Consumer Protection Act (TCPA)(3) and the Commission's implementing regulations on whether a creditor may place autodialed or prerecorded message calls to a telephone number initially assigned to a residential, or "landline," telephone that is voluntarily transferred, or "ported," by the consumer to a wireless telephone service. The Petitioner asserts that when a consumer provides a landline number to a creditor pursuant to a credit transaction, the consumer should not be understood to have provided express consent to call the number when the consumer later voluntarily ports the number to a wireless phone. USAA fully supports and echoes the comments submitted by the American Bankers Association; we do not agree with the petition filed and we urge the Commission to reject the Petition as contrary to the TCPA, the Commission's prior interpretations of the law, as well as the public interest and consumer expectations. USAA serves the military and their families, including troops deployed around the world. We would like to point out the disparate impact this petition could have on our unique market - the military community - an extremely mobile group that especially relies upon the flexibility and portability of wireless service.

As noted in the ABA comment letter, the prevalence of wireless only households has increased from 13.6% in 2007 to 16.1% in the first half of 2008. On average, military families and individuals relocate every 3 years pursuant to orders received from the Department of Defense; some moves are more frequent. To make these moves as seamless as possible, many of our members have only a wireless number that they are able to take wherever they are deployed. Though a low percentage of those numbers are ported wireless numbers, in these times of cost cutting measures, the conversion of a landline to wireless number could be on the upswing.

We know what it means to serve in the military. Our members rely upon reliable lines of communication from us to them. Of note, deployed military are more likely to become victims of identity theft and fraud due to their extended absence. In order to protect them we need to quickly contact their family when we suspect unauthorized activity in their accounts. Without the efficiency of automatic dialers and recorded messages, we have difficulty

reaching them in a timely fashion to prevent fraud.

In addition, financial institutions across the board are increasing their efforts to know their customers. We know that our members rely upon open communication between us and them. Families of deployed members often have credit issues due to a deployment situation. For instance, the deployed person may have had to take a reduced pay when deployed and the family left behind may have additional expense due to the absence of one parent, such as child care and repairs. As pointed out in the ABA comment letter, more than ever banks need to reach out to families experiencing credit difficulties. Automatic dialer and recorded messages help us to reach more people in need.

II. Conclusion

For the reasons stated above, as well as those noted in the ABA comment letter, we respectfully request that the Petition be denied. As the costs of wireless technology have come down, we have seen a commensurate increase in usage, especially in the military community. USAA is nationally recognized for its customer service, we earned BusinessWeek's "Customer Service Champs" in 2007-2008 and Forrester Research found that in 2008 USAA had the highest percentage of customer experience satisfaction for both Web and phone interactions. We are committed to advocating for our members and do not want to impair the strong relationship we strive to maintain with them. It is the consumer's expectation that a wireless number provide the same level of communication as provided in a landline telephone. Therefore, along with the ABA, USAA respectfully requests that this petition be denied ; hampering creditors from staying connected to their customer base will have negative connotations for both the industry and consumers.

Respectfully submitted,

Linda Giessel King

USAA Vice President; Executive Attorney
Corp Finance & Governance Counsel

(1) The United Services Automobile Association is a member owned Fortune 500 company that offers insurance, banking, and investment products primarily to members of the United States Military and their families. Its mission is "to facilitate the financial security of its members, associates and the

ir families through the provision of a full range of highly competitive financial products and services." In providing service to our members, we always adhere to our core values of service, loyalty, honesty and integrity.

(2) Petition for Declaratory Ruling and Expedited Request for Clarification, filed by Paul D. S. Edwards, January 12, 2009.

(3) Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394 (1991), codified at, 47 U.S.C. =A7 227.

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